

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2089

Introduced by Assembly Member Quirk

February 17, 2016

An act to amend Section 3019.5 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 2089, as amended, Quirk. Vote by mail ballots: voter notification.

Existing law requires a county elections official to establish a free access system that allows a vote by mail voter to learn if his or her vote by mail ballot was counted, and, if not, the reason why the ballot was not counted. Existing law requires the elections official to make the free access system available to a vote by mail voter upon completion of the official canvass and for 30 days after completion of the official canvass.

~~This~~ *If a voter casts a vote by mail ballot, this bill would additionally* require a county elections official, within 30 days after completion of the official canvass, to ~~additionally~~ *notify a the* voter if ~~his or her vote by mail~~ *the* ballot was not counted, including the reason it was not counted. By imposing an additional duty on local elections officials, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3019.5 of the Elections Code is amended
2 to read:
3 3019.5. (a) A county elections official shall establish a free
4 access system that allows a vote by mail voter to learn if his or her
5 vote by mail ballot was counted and, if not, the reason why the
6 ballot was not counted. For each election, the elections official
7 shall make the free access system available to a vote by mail voter
8 upon completion of the official canvass and for 30 days after
9 completion of the official canvas.
10 (b) For purposes of establishing the free access system for vote
11 by mail ballots required by subdivision (a), a county elections
12 official may use the free access system for provisional ballots
13 established by the county pursuant to Section 302 of the federal
14 Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).
15 (c) If a county elections official elects not to mail a sample ballot
16 to a voter pursuant to Section 13305, the elections official shall
17 use any savings achieved to offset the costs associated with
18 establishing the free access system for vote by mail ballots required
19 by subdivision (a).
20 (d) In addition to establishing a free access system pursuant to
21 subdivision (a), *if a voter casts a vote by mail ballot, the county*
22 *elections official shall, within 30 days after completion of the*
23 *official canvass, a county elections official shall notify a the voter*
24 *if his or her vote by mail ballot was not counted. The notification*
25 *shall include the reason the ballot was not counted.*
26 SEC. 2. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

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